

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

<hr/>	)	
Notice of Proposed Rulemaking	)	
	)	CS Docket No. 02-52
Appropriate Regulatory Treatment for	)	
Broadband Access to the Internet Over	)	
Cable Facilities	)	
<hr/>	)	

I strongly urge the FCC to reconsider their NPRM regarding cable modem service. I fail to see the difference between cable service and cable modem service as it relates to the use of public right of way. Both use the very same facilities and this ruling confuses the local franchise authority's ability to regulate the use of such public rights of way.

The economic impact for local communities could be devastating. In essence, this ruling would require local authorities to subsidize for-profit companies who wish to install cables for cable modem service without compensation. Since the cables for cable modem service and the cables for cable television are the very same cables, who would be the authority to determine which use is for cable television and which are for cable modem service.

Under this ruling, for-profit companies may be able, in the future, to claim that ALL cable installations shall be used primarily for cable modem services, thereby escaping franchise fees entirely. This would cause undue burden on local communities that are not in the best interest of the public.

Sincerely,  
Gregory Franklyn  
9401 NE Gertz Court  
Portland, OR 97211-1267  
503-285-7725  
gregoryfranklyn@yahoo.com